

SENATE AMENDMENTS

2nd Printing

By: Clardy, Middleton, Klick, et al.

H.B. No. 684

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the development of a seizure action plan for certain
3 students enrolled in public schools and training for certain school
4 personnel regarding seizure disorders.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as Sam's Law.

7 SECTION 2. Subchapter A, Chapter 38, Education Code, is
8 amended by adding Section 38.032 to read as follows:

9 Sec. 38.032. SEIZURE ACTION PLAN. (a) Each school district
10 and open-enrollment charter school shall require any school
11 employee who may have responsibility for the supervision or care of
12 a student with epilepsy or a seizure disorder to complete a seizure
13 training program described by Subsection (b). A school employee
14 who has completed the seizure training program may administer to a
15 student covered by a seizure action plan developed under Subsection
16 (d) a seizure rescue medication or medication prescribed to treat
17 seizure disorder symptoms, or may assist the student with
18 self-administration of the medication, as provided under the plan.

19 (b) A school employee described under Subsection (a) must
20 complete an agency-approved seizure training program that includes
21 instruction regarding managing students with seizures and includes
22 information about seizure recognition, related first aid, and the
23 administration of seizure rescue medications and medications
24 prescribed to treat seizure disorder symptoms. The agency may

1 approve, for purposes of this subsection, a seizure training course
2 for school personnel provided by a nonprofit national foundation
3 that supports the welfare of individuals with epilepsy and seizure
4 disorders, such as the Epilepsy Foundation of America. A seizure
5 training program approved by the agency under this subsection that
6 is provided to a school district or open-enrollment charter school
7 on portable media must be provided by the nonprofit entity free of
8 charge.

9 (c) A parent of or a person standing in parental relation to
10 a student with epilepsy or a seizure disorder for whom a plan has
11 been created under Section 504, Rehabilitation Act of 1973 (29
12 U.S.C. Section 794), may provide to the school district or
13 open-enrollment charter school at which the student is enrolled
14 written authorization for the development of a seizure action plan
15 under Subsection (d). The written authorization must be provided
16 on a form adopted by the agency and contain the following
17 information:

18 (1) the student's name;

19 (2) the name and purpose of the medication to be
20 administered or self-administered, which must be a seizure rescue
21 medication or medication for the treatment of seizure disorder
22 symptoms approved for that purpose by the United States Food and
23 Drug Administration and prescribed by the student's physician;

24 (3) the prescribed dosage, route of administration,
25 and frequency with which the medication may be administered under
26 the prescription; and

27 (4) the circumstances under which the medication may

1 be administered.

2 (d) A school district or open-enrollment charter school
3 that receives written authorization under Subsection (c) shall
4 develop, in collaboration with the person providing the
5 authorization, a seizure action plan that is consistent with the
6 student's plan created under Section 504, Rehabilitation Act of
7 1973 (29 U.S.C. Section 794). The seizure action plan may provide
8 for a school employee who has completed the training program
9 described by Subsection (b) to administer or assist the student
10 with self-administration of a medication identified in the written
11 authorization provided under Subsection (c). A seizure action plan
12 developed for a student under this subsection must be renewed at the
13 beginning of each school year.

14 (e) The school district or open-enrollment charter school
15 must:

16 (1) keep a seizure action plan developed for a student
17 enrolled in the district or school on file in the office of a school
18 nurse or school administrator; and

19 (2) distribute a copy of the plan to each school
20 employee described by Subsection (a).

21 (f) A parent of or person standing in parental relation to a
22 student for whom a seizure action plan is developed under
23 Subsection (d) must provide a medication identified in the written
24 authorization described by Subsection (c) to the school district or
25 open-enrollment charter school at which the student is enrolled in
26 an unopened, sealed package that is clearly labeled by the
27 dispensing pharmacy.

1 (g) The immunity from liability provided by Section 22.0511
2 applies to an action or failure to act by a school employee in
3 administering a medication, assisting with self-administration, or
4 otherwise providing for the care of a student under the seizure
5 action plan developed for the student under Subsection (d).

6 (h) The agency shall adopt rules as necessary to administer
7 this section before the beginning of the school year immediately
8 following the effective date of this Act.

9 SECTION 3. The change in law made by this Act applies
10 beginning with the 2020-2021 school year.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2019.

ADOPTED

MAY 14 2019

Leta Spaw
Secretary of the Senate

By: *Roger Hoyer* H.B. No. 684
Substitute the following for H.B. No. 684:
By: *Roger Hoyer* C.S. H.B. No. 684

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the care of students with seizure disorders and the
3 training requirements for certain school personnel regarding
4 seizure recognition and related first aid.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as Sam's Law.

7 SECTION 2. Subchapter A, Chapter 38, Education Code, is
8 amended by adding Sections 38.032, 38.033, and 38.034 to read as
9 follows:

10 Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a)
11 The parent or guardian of a student with a seizure disorder who
12 seeks care for the student's seizures while the student is at school
13 or participating in a school activity must submit to the school
14 district at which the student is enrolled a copy of a seizure
15 management and treatment plan developed by the student's parent or
16 guardian and the physician responsible for the student's seizure
17 treatment. The plan must be submitted to and reviewed by the
18 district:

19 (1) before or at the beginning of the school year;
20 (2) on enrollment of the student, if the student
21 enrolls in the district after the beginning of the school year; or
22 (3) as soon as practicable following a diagnosis of a
23 seizure disorder for the student.

24 (b) A seizure management and treatment plan must:

1 (1) identify the health care services the student may
2 receive at school or while participating in a school activity;

3 (2) evaluate the student's ability to manage and level
4 of understanding of the student's seizures; and

5 (3) be signed by the student's parent or guardian and
6 the physician responsible for the student's seizure treatment.

7 (c) The care of a student with a seizure disorder by a
8 district employee under a seizure management plan submitted under
9 this section is incident to or within the scope of the duties of the
10 employee's position of employment and involves the exercise of
11 judgment or discretion on the part of the employee for purposes of
12 Section 22.0511.

13 Sec. 38.033. SEIZURE RECOGNITION AND RELATED FIRST AID
14 TRAINING. (a) A school nurse employed by a school district must
15 complete an agency-approved online course of instruction for school
16 nurses regarding managing students with seizure disorders that
17 includes information about seizure recognition and related first
18 aid.

19 (b) A school district employee, other than a school nurse,
20 whose duties at the school include regular contact with students
21 must complete an agency-approved online course of instruction for
22 school personnel regarding awareness of students with seizure
23 disorders that includes information about seizure recognition and
24 related first aid.

25 (c) The agency may approve an online course of instruction
26 provided by a nonprofit national foundation that supports the
27 welfare of individuals with epilepsy and seizure disorders to

1 satisfy the training required under Subsection (a) or (b).

2 (d) The agency shall adopt rules as necessary to administer
3 this section.

4 Sec. 38.034. UNLICENSED SEIZURE CARE ASSISTANT. (a) At
5 each school district campus at which a student with a seizure
6 disorder is enrolled, the principal shall:

7 (1) seek school employees who are not health care
8 professionals to serve as unlicensed seizure care assistants and
9 care for students with seizure disorders; and

10 (2) make efforts to ensure that the campus has:

11 (A) at least one unlicensed seizure care
12 assistant if a full-time nurse is assigned to the campus; and

13 (B) at least three unlicensed seizure care
14 assistants if a full-time nurse is not assigned to the campus.

15 (b) An unlicensed seizure care assistant shall serve under
16 the supervision of the principal.

17 (c) A school employee may not be subject to any penalty or
18 disciplinary action for refusing to serve as an unlicensed seizure
19 care assistant.

20 (d) The care of a student with a seizure disorder by a school
21 employee who is serving as an unlicensed seizure care assistant is
22 incident to or within the scope of the duties of the employee's
23 position of employment and involves the exercise of judgment or
24 discretion on the part of the employee for purposes of Section
25 22.0511.

26 (e) A school nurse is not responsible for and may not be
27 subject to disciplinary action under Chapter 301, Occupations Code,

1 for actions performed by an unlicensed seizure care assistant.

2 SECTION 3. Not later than December 1, 2019, the Texas
3 Education Agency shall approve online courses of instruction to
4 satisfy the training requirements of Section 38.033, Education
5 Code, as added by this Act.

6 SECTION 4. The change in law made by this Act applies
7 beginning with the 2019-2020 school year.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB684 by Clardy (Relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, SD, ASa, HL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB684 by Clardy (Relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, ASa, HL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 29, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB684 by Clardy (Relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, ASa, HL, AM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 29, 2019

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB684** by Clardy (relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, ASa, HL, AM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 8, 2019

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB684 by Clardy (Relating to training requirements for public school nurses and certain other school personnel regarding seizure recognition and related first aid.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to training requirements for public school nurses and certain other school personnel regarding seizure recognition and related first aid could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, HL, AM, ASa